

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**A.G., a minor child; D.A., a minor child;)
A.L., a minor child; M.K., a minor child;)
and M.H., a minor child;)**

PLAINTIFFS,)

VS.)

**AUTAUGA COUNTY BOARD OF)
EDUCATION, et al.,)**

DEFENDANTS.)

CASE NO: 2:05-CV-1090-MEF

**B.H., a minor child, by and through his)
mother and next of friend, D.S.,)**

PLAINTIFFS,)

VS.)

**AUTAUGA COUNTY BOARD OF)
EDUCATION, et al.,)**

DEFENDANTS.)

CASE NO: 2:06-cv-0393-MEF

**MOTION FOR FILING MOTION FOR SUMMARY JUDGMENT,
BRIEFS AND EXHIBITS UNDER SEAL**

COME NOW the Defendants Autauga County Board of Education, Joseph L. Butler and Dene Cleveland, and respectfully request that an Order be entered allowing the defendants to file under seal their Motion for Summary Judgment, supporting Brief and exhibits, as well as any Reply Brief to any Response filed by plaintiffs. In further support of this motion, the defendants state as follows:

1. This Court's January 24, 2006 Order requires the defendants to file any dispositive motions by January 26, 2007, and the defendants plan to file a Motion for Summary Judgment and supporting Brief on or before that day.

2. These cases were brought by the plaintiff parents and plaintiff students anonymously.

3. All depositions in this matter use the names of the plaintiff parents and plaintiff students.

4. The depositions of the plaintiff students and their parents were sealed and stamped Confidential, pursuant to this Court's Protective Orders.

5. The defendants plan to cite to the deposition transcripts as evidence in support of their Motion for Summary Judgment, Brief and any Reply Brief.

6. The defendants also plan on attaching to their Motion for Summary Judgment and Brief the deposition transcripts of some or all of the parties.

7. The defendants may use other evidence in support of their Motion for Summary Judgment which uses the names of these plaintiffs.

8. When contacted by the undersigned, plaintiffs' counsel indicated that they oppose the filing under seal of the defendants' Motion for Summary Judgment, supporting Brief, exhibits or any Reply Brief to plaintiffs' Response.

9. However, the defendants do not see any prejudice to any party by the granting of this motion.

WHEREFORE, PREMISES CONSIDERED, Defendants Autauga County Board of Education, Joseph L. Butler and Dene Cleveland respectfully request this Honorable Court allow the defendants to file under seal their Motion for Summary Judgment, Brief, exhibits, and Defendants' Reply Brief.

Respectfully submitted,
s/Katherine C. Hortberg
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CERTIFICATE OF SERVICE

I hereby certify that I have on this 9th day of **January, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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